

REMARKS

Examiner has requested correction in the specification for failing to provide antecedent basis for: 1- "mobile station call origination", and 2- "mobile station call termination" of claim 2. Applicants have incorporated by reference the IS-95-A standard in the application as filed. The terms: 1- "mobile station call origination", and 2- "mobile station call termination" have been used throughout the call processing sections of the standard. As such, Applicants respectfully assert that these terms are well understood by a person of ordinary skill in the art. Moreover, the terms are explained in the specification at Page 11, lines 12-14:

"A call initiated by a mobile subscriber is referred to as a mobile station originated call, while a call made to a mobile subscriber is referred to as a mobile station terminated call."

Applicants also have amended claim 2 by substituting the terms: 1- mobile station originated call, and 2- mobile station terminated call as appeared in the specification for respectively the terms: 1- "mobile station call origination", and 2- "mobile station call termination." As such, Applicants respectfully request withdrawal of the objection to the specification.

Examiner has rejected claims 1-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Specifically with respect to claims 1, 6, and 14, Examiner states that it is not clear what is meant by a "glare condition." Applicants respectfully assert that this term is well understood by one of ordinary skill in the art and has a well-defined meaning. Additionally, this term is explained several times in the

specification at various locations in the specification. A “glare condition” is explained in the specification clearly as occurring:

“...when a mobile subscriber attempts to initiate a call while another party is attempting to call the mobile subscriber.” (Page 11, lines 11-12).

Therefore, the reference to a “glare condition” is clear from the specification. As such, Applicants respectfully request withdrawal of the rejection of claims 1, 6, and 14 under 35 U.S.C. 112, second paragraph.

Additionally with respect to claims 2, 3, 8, 9, 12 and 13, Examiner states that “the reference to the claimed message is not clear from the specification.” Examiner requests that the limitations of claims 2, 3, 8, 9, 12 and 13 be referenced to the specification. Applicants note that a mobile station call origination and a mobile station call termination are well understood by one of ordinary skill in the art. Such call originations and terminations involve messaging. Examples of messages indicating mobile station call origination and mobile station call termination are given in the specification, for example the Service Request Message and the Paging Response Message, respectively. These are described in the specification at least at Page 12, lines 16-30, and Figure 10 and the accompanying explanation of Pages 12 and 13. Moreover claims 2, 3, 8, 9, 12 and 13 have been amended to recite the terms: 1- mobile station originated call, and 2- mobile station terminated call as appeared in the specification. Therefore, the reference to the claimed message is clear from the specification. As such, Applicants respectfully request withdrawal of the rejection of claims 2, 3, 8, 9, 12 and 13 under 35 U.S.C. 112, second paragraph.

Claims 1-3, 6, 8, 9 and 11-13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Spartz, et al. Examiner states that “As shown in Fig. 6, the MSC

transmits a paging signal 300 (a message signal) to the BSS when detecting a subscriber unit [a mobile station] is being paged **after** another call ends.” Spartz, et al. does not address the glare condition situation. Figure 6 of Spartz, et al shows a message sequence diagram illustrating the signaling messages transmitted during a subscriber unit terminated call initiation. As explained above, a glare condition exists when a subscriber unit is being paged **while** the mobile station is attempting a call initiation, not just **after** another call ends. Paging a mobile station **after** another call ends is not the same as paging a mobile station **while** another call ends. The claimed invention solves a problem in a situation entirely different than a situation disclosed by Spartz, et al. Therefore, claims 1-3, 6, 8, 9 and 11-13 are not anticipated by Spartz, et al. As such, Applicants respectfully request withdrawal of the rejection of claims 1-3, 6, 8, 9 and 11-13 under 35 U.S.C. 102(e).

Claims 4, 5, 7, 10 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spartz, et al. in view of Baldwin, et al. Claims 4 and 5 depend on the base claim 1; claims 7, 10 and 14 depend on the base claim 6; and claim 14 depends on the base claim 11. Applicants forward the same arguments as made above with respect to Spartz, et al. As such, Applicants respectfully request withdrawal of the rejection of claims 4, 5, 7, 10 and 14 under 35 U.S.C. 103(a).

Therefore, Applicants respectfully request reconsideration and allowance of all claims as presented.

Examiner is invited to call the undersigned representative if such a call would expedite the allowance of the application.

Respectfully submitted,

Dated: 11 April, 2000

By: S. Hossain Beladi
S. Hossain Beladi
Attorney for Applicants
Registration No. 42,311

QUALCOMM Incorporated
6455 Lusk Boulevard
San Diego, California 92121-2779
Telephone: (619) 651-4470
Facsimile: (619) 658-2502